

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

JAMES WHANG dba SOUTH PACIFIC
LUMBER COMPANY,

Plaintiff,

vs.

IMPERIAL PACIFIC INTERNATIONAL
(CNMI), LLC,

Defendant.

Case No. 1:21-CV-00027

**[PROPOSED] FIRST AMENDED JOINT
PRETRIAL ORDER**

Date: December 2, 2022

Time: 1:30 p.m.

Judge: Hon. Ramona V. Manglona

COMES NOW, James Whang doing business as South Pacific Lumber Company (“SPLC”) and Imperial Pacific International (CNMI), LLC (“IPI”) to submit their First Amended Joint Pretrial Statement pursuant to the First Amended Scheduling Order (ECF No. 21), Order Resetting Final Pretrial Conference (ECF No. 22), and LR 16.6(b).

1. **The Firm Trial Date:** Bench Trial is set to begin December 16, 2022 at 9:00 a.m.

2. **Stipulated and Uncontroverted Facts:** The parties shall file stipulated and uncontroverted facts before the Final Pretrial Conference.

3. **List of Issues to be Tried:**

a. Whether IPI was ever denied access to the warehouse during its occupancy; and

b. If IPI was denied occupancy to the warehouse, does that fact limit SPLC’s damages and to what extent, if any.

4. **Disclosure of All Witnesses:** The parties shall disclose all witnesses that may be used for the December 16, 2022 bench trial before the Final Pretrial Conference on December 2, 2022.

1 5. **Listing and Exchange of Copies of All Exhibits:** The parties shall list and exchange
2 copies of all exhibits before the Final Pretrial Conference on December 2, 2022.

3 6. **Pretrial Rulings, Where Possible, on Objections to Evidence:** The parties do not
4 anticipate filing motions in limine.

5 7. **Disposition of All Outstanding Motions:** There are no motions outstanding in this
6 matter.

7 8. **Elimination of Unnecessary or Redundant Proof, Including Limitations on**
8 **Expert Witnesses:** There are no expert witnesses for either party. The parties shall file stipulated
9 and uncontroverted facts before the Pretrial Conference.

10 9. **Itemized Statements of All Damages by All Parties:**

11 **SPLC Prays for Judgment as Follows:**

12 a. Total damages in the amount of \$805,476.48. This total is made from the following
13 components:

14 i. The amount of \$243,600.00 in rent due from March 2020 to May 2021 awarded by this
15 Court in its Decision & Order Granting Plaintiff Partial Summary Judgment. (ECF No. 20).

16 ii. The amount of \$17,052.00 as interest from March 2020 to May 2021 awarded by this
17 Court in its Decision & Order Granting Plaintiff Partial Summary Judgment. (ECF No. 20).

18 iii. The amount of \$6,701.00 as utility fees from March 2020 to May 2021 awarded by this
19 Court in its Decision & Order Granting Plaintiff Partial Summary Judgment. (ECF No. 20).

20 iv. The amount of \$239,920.00 in rent from June 2021 to September 2022.

21 v. Double the amount of \$239,920.00 in rent under 2 CMC §§ 40201 *et seq* from June 2021
22 to September 2022

vi. The amount of \$58,065.60 as from interest from June 2021 to September 2022¹.

vii. The amount of \$217.88 as utility fees from June 2021 to September 2022.

b. Attorneys' fees, costs and post judgment interest to be proven post-judgment.

10. **Bifurcation of the Trial:** Parties do not intend to bifurcate the trial.

11. **Limits on the Length of Trial:** Parties agree that the bench trial will last one-half day.

12. **Jury selection issues:** Parties waived jury trial; therefore jury selection will be unnecessary.

RESPECTFULLY SUBMITTED, December 2, 2022.

/s/ Colin M. Thompson
THOMPSON LAW, LLC
Colin M. Thompson
Attorney for Plaintiff

/s/Joey P. San Nicolas
SAN NICOLAS LAW OFFICE, LLC
Joey P. San Nicolas
Attorney for Defendant

¹ In the parties' [PROPOSED] Joint Pretrial Order (ECF No. 24), the interest was \$51,244.80 from November 2020 to September 2022. It has been duly amended and corrected to reflect the correct interest from the period of June 2021 to September 2022. This correction does not alter the total judgment sought.